

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

F036258 Rojas v. U.S. Borax, Inc.

The judgment is affirmed. Cornell, J.

We concur: Vartabedian, Acting P.J.; Wiseman, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F035552 In re JOSEPH NIETO on Habeas Corpus

The opinion filed on June 28, 2001, ordered a reference to be conducted on certain issues. Said issues remain pending before this court. That opinion did not constitute a final disposition on all issues in the above entitled action.

The remittitur heretofore issued in this cause on August 28, 2001, is ordered recalled.

F035422 People v. Fernandez

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F038251 Peracchi v. The Superior Court of Fresno County; The People

Let a peremptory writ of mandate issue directing the Fresno County Superior Court to vacate its order in action number 571767-3 dated May 24, 2001, denying the motion to disqualify Judge Jones and enter a new order granting the motion. Cornell, J.

I concur: Polley, Pro Tem J.

I dissent: Ardaiz, P.J.

(See dissenting opinion)

[CERTIFIED FOR PUBLICATION]

F034907 Duncan et al. v. Spivak, M.D.

The judgment is reversed. Ardaiz, P.J.

I concur: Levy, J.;

I dissent: Wieland, ProTem J.

(See dissenting opinion)

[CERTIFIED FOR PUBLICATION]

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F035328 People v. Carrillo

The judgment is affirmed. Dibiaso, J.

We concur: Ardaiz, P.J.; Harris, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F037878 People v. Cervantes

IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F037790 In re De'Andre D., a Minor

The order of the juvenile court terminating appellant's reunification services is reversed and the matter is remanded to the juvenile court with directions to order the Agency to notify the Cherokee tribe or the Secretary of the Interior, as appropriate, of the proceedings under the ICWA. If, after receiving notice of the proceedings, no tribe indicates that the minor is an Indian child within the meaning of the Act or if the tribe or the secretary do not reply within the statutory time period, then the juvenile court shall reinstate its orders. Levy, J.

We concur: Buckley, Acting P.J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F034525 People v. Paredes

The judgment is affirmed. Wiseman, J.

We concur: Vartabedian, Acting P.J.; Harris, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F034403 People v. Reich

Appellant's petition for rehearing filed herein is denied.

F034984 People v. Arellano

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

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F037956 People v. Ceja

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F037956 People v. Ceja

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F037706 In re Dana A., a Minor

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F037706 In re Dana A., a Minor

The orders of the juvenile court are affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F037675 People v. Allen

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F037675 People v. Allen

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]